

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MILTON WADE RICHARDSON,

Plaintiff,

-v-

No. 19-CV-1408-LTS-SLC

ANDREW SAUL, COMMISSIONER OF
SOCIAL SECURITY,¹

Defendant.

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ORDER

The Court has reviewed Judge Cave’s September 25, 2020, Report and Recommendation (the “Report”), which recommends that Plaintiff’s counsel’s motion for attorneys’ fees be granted. Specifically, the Report recommends that attorneys’ fees be awarded in the amount of \$24,240.40, which represents 25 percent of past due benefits pursuant to 42 U.S.C. section 406(b). The Report also recommends that Plaintiff’s attorney be ordered to refund directly to Plaintiff the previously-awarded fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, of \$6,600.00. Defendant did not oppose Plaintiff’s motion (see Docket Entry No. 27), and no objections to the Report have been received.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C) (Westlaw through P.L. 116-163). When no objections are filed to a magistrate judge’s report and recommendation, “a district court need only satisfy itself that there

¹ Commissioner of Social Security Andrew Saul is automatically substituted for Defendant Nancy A. Berryhill pursuant to Federal Rule of Civil Procedure 25(d).

is no ‘clear error on the face of the record’ in order to accept the recommendation.” Alpha Capital Anstalt v. Shiftpixy, Inc., 432 F. Supp. 3d 326, 330 (S.D.N.Y. 2020) (quoting Austin v. Lynch, No. 10-CV-7534, 2011 WL 6399622, at *1 (S.D.N.Y. Dec. 20, 2011)).

The Court has reviewed carefully Magistrate Judge Cave’s Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, the motion for attorneys’ fees is granted, in the amount of \$24,240.40, and Plaintiff’s counsel is ordered to refund directly to Plaintiff the previously awarded EAJA fees of \$6,600.

The Clerk of Court is respectfully requested to terminate Docket Entry No. 23.

SO ORDERED.

Dated: New York, New York
October 13, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge